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*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES, LLC,

Defendant.

In re:

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

KUNIN FAMILY LIMITED PARTNERSHIP;
PAUL D. KUNIN REVOCABLE TRUST; PAUL
D. KUNIN, individually, in his capacity as a
General Partner of the Kunin Family Limited

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 10-04666 (SMB)

Partnership, and as Grantor and Trustee for the Paul D. Kunin Revocable Trust; BEVERLY C. KUNIN, individually, in her capacity as a General Partner of the Kunin Family Limited Partnership, and as Trustee for the Paul D. Kunin Revocable Trust; WENDI KUNIN, individually and in her capacity as a Limited Partner of the Kunin Family Limited Partnership; JENNIFER B. KUNIN, individually and in her capacity as a Limited Partner of the Kunin Family Limited Partnership; CYNTHIA L. GINSBERG, individually and in her capacity as a Limited Partner of the Kunin Family Limited Partnership,

Defendants.

TRUSTEE'S REQUEST TO ENTER DEFAULT

To: CLERK OF THE COURT
UNITED STATES BANKRUPTCY COURT

Irving H. Picard (the "Trustee"), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities, LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and Bernard L. Madoff, by and through his counsel, Baker & Hostetler LLP, respectfully requests that the Clerk of the Court issue a Certificate of Default against Defendants the Kunin Family Limited Partnership; Paul D. Kunin Revocable Trust; Paul D. Kunin; Beverly C. Kunin; Cynthia L. Ginsberg; Jennifer B. Kunin; and Wendi Kunin pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, made applicable to this Adversary Proceeding by Rule 7055 of the Federal Rules of Bankruptcy Procedure, for failure to plead or otherwise defend the above-captioned action as it fully appears from the Court file and from the attached Affidavit.

WHEREFORE, the Trustee respectfully requests that this Court grant the Trustee's Motion in its entirety and provide for such other relief as this Court deems just and proper.

Dated: New York, New York
February 27, 2015

Respectfully submitted,

Of Counsel:

BAKER & HOSTETLER LLP
811 Main Street, Suite 1100
Houston, Texas 77002-0518
Telephone: 713.751.1600
Facsimile: 713.751.1717
Dean D. Hunt
Email: dhunt@bakerlaw.com

/s/ Nicholas J. Cremona

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Bernard L. Madoff Investment Securities LLC
And Bernard L. Madoff*

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BERNARD L. MADOFF INVESTMENT
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Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

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Plaintiff,

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KUNIN FAMILY LIMITED PARTNERSHIP;
PAUL D. KUNIN REVOCABLE TRUST; PAUL
D. KUNIN, individually, in his capacity as a
General Partner of the Kunin Family Limited

Adv. Pro. No. 10-04666 (SMB)

Partnership, and as Grantor and Trustee for the Paul D. Kunin Revocable Trust; BEVERLY C. KUNIN, individually, in her capacity as a General Partner of the Kunin Family Limited Partnership, and as Trustee for the Paul D. Kunin Revocable Trust; WENDI KUNIN, individually and in her capacity as a Limited Partner of the Kunin Family Limited Partnership; JENNIFER B. KUNIN, individually and in her capacity as a Limited Partner of the Kunin Family Limited Partnership; CYNTHIA L. GINSBERG, individually and in her capacity as a Limited Partner of the Kunin Family Limited Partnership,

Defendants.

AFFIDAVIT SUPPORTING ENTRY OF DEFAULT

STATE OF TEXAS)
) ss:
COUNTY OF HARRIS)

Farrell Hochmuth, being duly sworn, hereby attests as follows:

1. I was admitted pro hac vice into this Court and am a partner at the firm of Baker & Hostetler LLP, which is counsel for Irving H. Picard (“Trustee”), Trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”) and the estate of Bernard L. Madoff, individually.

2. On January 24, 2011, the Trustee commenced this adversary proceeding by filing a complaint (the “Complaint”) against the Kunin Family Limited Partnership; Paul D. Kunin Revocable Trust; Paul D. Kunin, individually, in his capacity as a General Partner of the Kunin Family Limited Partnership, and as Grantor and Trustee for the Paul D. Kunin Revocable Trust; Beverly C. Kunin, individually, in her capacity as a General

Partner of the Kunin Family Limited Partnership, and as Trustee for the Paul D. Kunin Revocable Trust; Wendi Kunin, individually and in her capacity as a Limited Partner of the Kunin Family Limited Partnership; Jennifer B. Kunin, individually and in her capacity as a Limited Partner of the Kunin Family Limited Partnership; Cynthia L. Ginsberg, individually and in her capacity as a Limited Partner of the Kunin Family Limited Partnership; and NTC & Co. LLP, as former custodian of an Individual Retirement Account for the benefit of Beverly C. Kunin. (the “Defendants”).¹ (Dkt. No. 4.) The Complaint asserted claims pursuant to sections 78fff(b), 78FFF-1(a) and 78fff-2(c)(3) of SIPA, sections 105(a), 544, 548(a), 550(a), and 551 of the United States Bankruptcy Code, 11 U.S.C. §§ 101, *et seq.*, and other applicable law, seeking the avoidance and recovery of fraudulent transfers in connection with certain transfers of property by BLMIS to or for the benefit of the Defendants. (*Id.*).

3. On February 10, 2011, the Clerk of this Court issued a summons upon Defendants. (Dkt. No.5).

4. On February 11, 2011, the Trustee, in accordance with Bankruptcy Rule 7004(b) of the Federal Rules of Bankruptcy Procedure, timely served the Summons and Complaint upon the Paul D. Kunin, individually, in his capacity as a General Partner of the Kunin Family Limited Partnership, and as Grantor and Trustee for the Paul D. Kunin Revocable Trust; Beverly C. Kunin, individually, in her capacity as a General Partner of the Kunin Family Limited Partnership, and as Trustee for the Paul D. Kunin Revocable Trust; Wendi Kunin, individually and in her capacity as a Limited Partner of the Kunin Family Limited Partnership; Jennifer B. Kunin, individually and in her capacity as a Limited Partner of the Kunin Family Limited Partnership; Cynthia L. Ginsberg, individually and in her capacity as a Limited Partner of the

¹ NTC & Co. LLP was dismissed from these proceedings on May 11, 2011. (*See* Dkt. No. 10).

Kunin Family Limited Partnership. (the “Defaulting Defendants”). (See Dkt. Nos. 5 and 6). An Affidavit of Service evidencing proper and timely service was filed with the Court. (See Ex. A, Affidavit of Service; Dkt. No. 6).

5. Pursuant to the Order (1) Establishing Litigation Case Management Procedures For Avoidance Actions And (2) Amending The February 16, 2010 Protective Order governing the litigation of certain avoidance actions, including this adversary proceeding, the time by which the Defaulting Defendants may answer or otherwise move with respect to the Complaint was set to expire on April 11, 2011. (See Dkt. No. 5).

6. On March 23, 2011, the Trustee and the Defaulting Defendants stipulated and agreed that the time by which Defaulting Defendants may answer or otherwise respond to the Complaint would be July 11, 2011. The Trustee filed a Notice of Extension with this Court on March 23, 2011. (See Dkt. No. 9).

7. Despite being duly served with the Summons and Complaint and being given an extension to answer or otherwise respond to the Complaint, the Defaulting Defendants did not file an answer, move, or otherwise respond to the Complaint on or before July 11, 2011.

8. Defaulting Defendant Kunin Family Limited Partnership is a business entity and therefore is neither an infant nor incompetent.

9. Moreover, because Defaulting Defendant Kunin Family Limited Partnership is a business entity, the protections afforded under the Servicemembers Civil Relief Act of 2003 should not apply.

10. Upon information and belief, Defaulting Defendants Paul D. Kunin, individually, in his capacity as a General Partner of the Kunin Family Limited Partnership, and as Grantor and Trustee for the Paul D. Kunin Revocable Trust; Beverly C. Kunin, individually, in her capacity

as a General Partner of the Kunin Family Limited Partnership, and as Trustee for the Paul D. Kunin Revocable Trust; Wendi Kunin, individually and in her capacity as a Limited Partner of the Kunin Family Limited Partnership; Jennifer B. Kunin, individually and in her capacity as a Limited Partner of the Kunin Family Limited Partnership; Cynthia L. Ginsberg, individually and in her capacity as a Limited Partner of the Kunin Family Limited Partnership are neither infants nor incompetents.

11. On February 27, 2015, I performed searches on the Department of Defense Manpower Data Center (DMDC). Upon searching the information data banks of DMDC, the DMDC does not possess any information indicating that Defaulting Defendants Paul D. Kunin, Beverly C. Kunin, Wendi Kunin, Jennifer B. Kunin, and Cynthia L. Ginsberg are currently on active duty as to all branches of the Military.

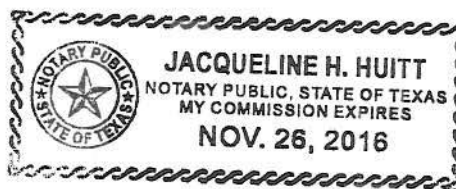
12. I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief.

Farrell Hochmuth

Sworn to before me this
27th day of February, 2015

Notary Public, State of Texas

My Commission Expires On November 26, 2016



UNITED STATES BANKRUPTCY COURT
Southern District of New York

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (BRL)

SIPA LIQUIDATION

(Substantively Consolidated)

Case No. 09-11893 (BRL)

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

KUNIN FAMILY LIMITED PARTNERSHIP;
PAUL D. KUNIN REVOCABLE TRUST; PAUL
D. KUNIN, individually, in his capacity as a
General Partner of the Kunin Family Limited
Partnership, and as Grantor and Trustee for the Paul
D. Kunin Revocable Trust; BEVERLY C. KUNIN,
individually, in her capacity as a General Partner of
the Kunin Family Limited Partnership, and as
Trustee for the Paul D. Kunin Revocable Trust;
WENDI KUNIN, individually and in her capacity
as a Limited Partner of the Kunin Family Limited
Partnership; JENNIFER B. KUNIN, individually
and in her capacity as a Limited Partner of the
Kunin Family Limited Partnership; CYNTHIA L.
GINSBERG, individually and in her capacity as a
Limited Partner of the Kunin Family Limited
Partnership; and NTC & Co. LLP, as former
custodian of an Individual Retirement Account for
the benefit of Beverly C. Kunin,

Defendants.

Adv. Pro. No. 10-04666 (BRL)

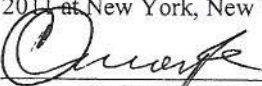


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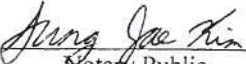
STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

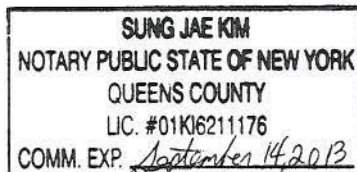
I, Christopher Timony declare:

1. I am over the age of 18 years and not a party to these chapter 11 cases.
2. I am employed by Donlin, Recano & Company, Inc., 419 Park Avenue South, Suite 1206, New York, NY 10016.
3. On the 10th day of February, 2011, I caused a true and accurate copy of the:
 - (i) "Complaint", along with the relevant exhibits (Docket No. 4); and the
 - (ii) "Notice of Applicability of the Order Approving Case Management Procedures for Avoidance Actions" (Docket No. 2); and the
 - (iii) "Summons and Notice of Pretrial Conference in An Adversary Proceeding" (Docket No. 5); and the
 - (iv) "Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order" dated November 11, 2010; and the
 - (v) "Avoidance Action Executive Summary Letter dated December 20, 2010"; and the
 - (vi) "Second Amended Notice of Omnibus Avoidance Action Hearing Dates",to be served upon the parties listed on Exhibit 1, attached hereto, via First Class US Mail.
4. Said documents were securely enclosed in postage prepaid envelopes and delivered to an office of the United States Postal Service for delivery by First Class Mail.
5. I declare under penalty of perjury that the foregoing is true and correct to the best of my personal knowledge. Executed this 10th day of February, 2011 at New York, New York.

By 
Christopher Timony

Sworn before me this
10th day of February, 2011


Notary Public



Date : 2/10/2011

Adv Pro No: 10-04666 (BRL)

Page # : 1

Exhibit 1
Redacted Version

PAUL D. KUNIN

PAUL D. KUNIN
OAK BROOK IL 60523

000605 003918

PAUL D. KUNIN
ST. LOUIS PARK MN 55415

000605 003919

PAUL D. KUNIN REVOCABLE TRUST

PAUL D. KUNIN REVOCABLE TRUST
ST. LOUIS PARK MN 55415

001715 003921

PAUL D. KUNIN REVOCABLE TRUST
OAK BROOK IL 60523

001715 005206

KUNIN FAMILY LIMITED PARTNERSHIP

KUNIN FAMILY LIMITED PARTNERSHIP
OAK BROOK IL 60523

001716 005207

KUNIN FAMILY LIMITED PARTNERSHIP
ST. LOUIS PARK MN 55415

001716 009669

WENDI KUNIN

WENDI KUNIN
OAK BROOK IL 60523

001717 005208

WENDI KUNIN
MINNETONKA MN 55305

001717 009673

BEVERLY C. KUNIN

BEVERLY C. KUNIN
OAK BROOK IL 60523

001718 005209

BEVERLY C. KUNIN
ST. LOUIS PARK MN 55415

001718 009670

CYNTHIA L. GINSBERG

CYNTHIA L. GINSBERG
OAK BROOK IL 60523

001719 005210

CYNTHIA L. GINSBERG
MINNEAPOLIS MN 55404

001719 009672

Date : 2/10/2011

Adv Pro No: 10-04666 (BRL)

Page # : 2

Exhibit 1

Redacted Version

JENNIFER B. KUNIN

JENNIFER B. KUNIN
OAK BROOK IL 60523

001720 005211

JENNIFER B. KUNIN
MINNEAPOLIS MN 55410

001720 009671

NTC & CO.

THOMAS J. SCHELL
BRYAN CAVE LLP
1290 AVENUE OF THE AMERICAS
NEW YORK NY 10104

Counsel - 003248 012157